

Message Text

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ACTION ERDA-07

INFO OCT-01 EUR-12 ISO-00 ERDE-00 ACDA-10 CIAE-00 INR-07

IO-11 L-03 NSAE-00 NSC-05 EB-07 NRC-07 OES-05 FEAE-00

DODE-00 SS-15 PM-04 SP-02 SAJ-01 /097 W

----- 071646

P R 011227Z MAR 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC PRIORITY 8298

INFO USMISSION EC BRUSSELS

UNCLAS SECTION 01 OF 02 PARIS 06055

DEPT PASS ERDA/IAI

E.O. 11652: N/A

TAGS: TECH, FR

SUBJECT: ERDA/CEA DRAFT AGREEMENTS ON NUCLEAR
COOPERATION

REF: PARIS 05433

1. ERDA GIAMBUSSO AND EMBASSY SCICOUN SALMON MET
FRIDAY FEB 27 AT CEA WITH PERROT, LE NIGER,
LE GUELTE, FIELSTEIN AND COUTURE FOR DISCUSSIONS
ON UMBRELLA AGREEMENT AND PROTOCOLS ON LMFBR, WASTE
DISPOSAL AND HTGR. THE FOLLOWING ARE HIGH-
LIGHTS OF THE MEETING. ERDA'S COMMENTS ARE RE-
QUESTED ON SOME POINTS TO HELP FORWARD DISCUSSIONS.
EMBOFF PLANS MEETING FOR END OF WEEK OF MARCH 1 WITH
ABOVE CEA OFFICIALS.

2. REGARDING THE GENERAL AGREEMENT: ARTICLE 1 -
CEA UNDERSTANDS THAT ITS PROPOSED LAST PARAGRAPH, BE-
GINNING "THE TOTAL COOPERATION..." HAS BEEN DROPPED
IN ERDA DEC 2 PROPOSED REWRITE AND THE CONCEPTS
INCLUDED IN THE UNDERLINED PORTIONS FOLLOWING THAT
PARAGRAPH. CEA UNDERSTANDS THAT THE USG WOULD PREFER
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NOT TO INCLUDE THE PHRASE "FINANCIAL COMPENSATIONS."

BUT CEA DOES NOT UNDERSTAND THE FULL APPLICATION OF ERDA'S FACTOR NUMBER 3 AND HOW IT WILL HELP MEASURE VALUE OF THE EXCHANGE TO DETERMINE IF THERE IS A BALANCE. IT WAS LEFT THAT ERDA WOULD ACCEPT CEA'S LAST PARAGRAPH IF THE LINE INCLUDING FINANCIAL COMPENSATION WAS OMITTED. CEA IS CONSIDERING THIS.

3. RE ARTICLE 6 - CEA UNDERSTANDS THAT ERDA CANNOT EXPECT TO PROTECT (UNDER POSSIBLE COURT ACTION) AS PRIVILEGED, INFORMATION GIVEN TO ERDA WHICH DOES NOT MEET THE PREVIOUSLY STATED FOUR CRITERIA. CEA, HOWEVER, WANTS IT CLEAR THAT EACH PARTY HAS THE RIGHT TO RECEIVE OR NOT RECEIVE INFORMATION ON THE BASIS OF ITS OWN STANDARDS AND HAS NO RIGHT TO EXPECT THE OTHER PARTY TO UTILIZE ITS STANDARDS. CEA WILL INCLUDE A PARAGRAPH IN ITS RESPONSE TO ROBERTS' DEC 5 LETTER TO THIS EFFECT. IN DOING SO. IT WILL ACCEPT THE TEXT AS MOST RECENTLY PROPOSED BY ERDA.

4. RE ARTICLE 8, CEA WILL CONSIDER ERDA OFFER CONTAINED STATE 037528 AND PROBABLY OFFER ALTERNATE LANGUAGE.

5. RE ARTICLE 12 - CEA WANTS IT MADE CLEAR THAT IF ERDA GIVES IT INFORMATION UNDER THE AGREEMENT, IT IS FREE TO USE THAT INFORMATION IN THIRD COUNTRIES (E.G., EASTERN EUROPE) UNLESS SPECIFICALLY AGREED OTHERWISE ON A CASE-BY-CASE BASIS.

6. RE ARTICLE 14 - WITHOUT FURTHER COMMENT, THE WORD OBLIGATION WILL BE INCLUDED.

7. RE PROTOCOL ON WASTE MANAGEMENT: CEA FEELS THAT THE U.S. DRAFT (ARTICLE 2) GOES INTO TOO MUCH DETAIL FOR THE PROTOCOL. CEA WANTS ARTICLE 2 III TO BE RESTRICTED IN SAME TERMS AS III C IS RESTRICTED IN ARTICLE 3. IF IN III D, PACKAGING DOES NOT INCLUDE VITRIFICATION, THEN III D NEED NOT BE SO RESTRICTED: CHEMICAL PROCESSES OF IMMOBILIZATION ARE TO BE RESTRICTED (ARTICLE 3) BUT NOT PACKAGING OR CONTAINER ASPECTS.

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8. RE LMFBR PROTOCOL, CEA HAS PROBLEMS WITH ARTICLE 4 B. IT DOES NOT WANT TO ENTER AN ACCORD WHERE THE DOOR IS LEFT OPEN TO CONTINUALLY DISCUSS AREAS IT WANTS TO RESTRICT TO COMMERCIAL OR OTHER ARRANGEMENTS FIRST. IT WAS MADE CLEAR THAT ERDA WANTS MORE THAN 2 OF 10 AREAS OPEN TO EARLY COOPERATION. CEA IS TO RE-STUDY THIS MATTER AND MAY IDENTIFY CERTAIN SUB-ITEMS

IN ARTICLE 2 AREAS 3-10 OR MAY AGREE TO MEET TO JOINTLY
DRAW UP A LIST FOR ARTICLE 2 WHERE A GREATER PERCENTAGE
OF THE AREAS WOULD BE OPEN FOR EARLY COOPERATION
(THIS INCREASE WOULD REPRESENT SUBSTANCE AS WELL AS

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NUMBERS WORTH PROCEEDING WITH CONCLUSION OF THE
PROTOCOL). WE EXPECT TO HEAR FROM CEA ON THIS MATTER
BY MARCH 5.

9. CEA EXPRESSED INTEREST IN SIGNING THE GENERAL
AGREEMENT WHEN MOST OF THE PROTOCOLS ARE ALSO READY
FOR SIGNING, AT LEAST THE LMFBR.

10. CEA IS PLANNING TO RESPOND TO THE DEC 5 LETTER
FROM ERDA BY MID-MARCH. CONSULTATIONS BETWEEN EMBOFF
AND CEA PRIOR TO THAT TIME WILL BE HELD TO REDUCE THE
ITEMS OF DISAGREEMENT COVERED IN THE CEA LETTER. IT
WOULD APPEAR THAT A MEETING OF PRINCIPALS WILL BE
NECESSARY (CENTERING ON THE LMFBR PROTOCOL) BEFORE ALL
DIFFERENCES ARE SETTLED ON THESE ACCORDS. WE SUGGEST
THAT THE DEPT AND ERDA CONSIDER WHICH SITE IS DESIRED
FOR SIGNING THE ACCORDS AND MEET AT THE OTHER CAPITAL

IF A MEETING IS REQUIRED TO COMPLETE THE NEGOTIATIONS.

11. GIAMBUSSO HAS FURTHER DETAILS ON EACH ITEM
COVERED ABOVE. EMBASSY WOULD APPRECIATE RECEIVING ERDA
COMMENTS SOONEST ON ANY OF ABOVE TO ASSIST IN EARLY
CEA RESPONSE WITH MINIMUM ITEMS OF DISAGREEMENT.
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